

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JAMES C. MESELSOHN,
on behalf of himself
and all others similarly situated,

Plaintiff,

V.

**JEFFREY G. LERMAN and,
JEFFREY G. LERMAN, P.C.,**

Defendant.

No. 06-cv-4115 (AKT)

CLASS ACTION

Declaration of Plaintiff's Attorney Brian L. Bromberg

Under penalties as provided by 28 U.S.C. § 1746, Brian L. Bromberg declares
as follows:

1. I am one of Plaintiff's attorneys and I am making this certification in support of Plaintiffs' Motion for Class Certification. My credentials to act as class counsel are set forth below.

2. I am a member in good standing of the bars of the following state courts:

New York State Bar (Appellate Division, Second Department)
March 4, 1992

California Bar
July 17, 2006

4. I am a member in good standing of the following federal courts:

U.S. District Court for the Southern District of New York
May 19, 1992

U.S. District Court for the Eastern District of New York
June 10, 1992

United States Court of Appeals for the Second Circuit
January 10, 2002

Supreme Court of the United States
August 4, 2003

U.S. District Court for the Northern District of Illinois
August 15, 2003

United States Court of Appeals for the Seventh Circuit
May 13, 2004

U.S. District Court for the Western District of New York
December 6, 2004

U.S. District Court for the Northern District of New York
January 4, 2005

U.S. District Court for the Northern District of Indiana
August 30, 2005

U.S. District Court for the District of Connecticut
March 3, 2006

U.S. District Court for the Northern District of California
August 7, 2006

U.S. District Court for the Central District of California
August 10, 2006

U.S. District Court for the Southern District of California
August 24, 2006

U.S. District Court for the Eastern District of California
August 29, 2006

U.S. District Court for the Western District of Wisconsin

May 14, 2008

3. I have also been admitted *pro hac vice* to the following courts:

U.S. District Court for the Southern District of Florida

U.S. District Court for the District of Maryland

U.S. District Court for the District of Minnesota

U.S. District Court for the District of Nevada

U.S. District Court for New Jersey

U.S. District Court for the Eastern District of Pennsylvania

Background and Qualifications

4. From 1991 until October 2001, I was employed by the law office of Peter Marc Stern in New York, New York.

5. In October 2001, I started my own practice, Bromberg Law Office, P.C., f/k/a Brian L. Bromberg, P.C., concentrating in the field of consumer protection law.

6. I have extensive experience in the fields of commercial litigation, bankruptcy, real estate, landlord/tenant law, trusts and estates, and criminal law. I now focus my practice on representation of consumers in consumer rights litigation and class actions.

7. I am a member of the following professional organizations:

Federal Bar Council
National Association of Consumer Advocates
New York State Bar Association
Association of Small Claims Court Arbitrators
Association of the Bar of the City of New York
National Employment Lawyers Association

8. I am the principal author of an *amicus curiae* brief filed on behalf of AARP and the National Association of Consumer Advocates in the case of *Naposki v. The First National Bank of Atlanta d/b/a Wachovia Bank Card Services, and Wachovia Corporation*, New York Supreme Court, Appellate Division, Second Department, Appellate Case No. 2002-02506.

9. On behalf of the National Association of Consumer Advocates, I also recently helped prepare an *amicus curaie* brief submitted (on October 6, 2006) to the New York Court of Appeals by NACA and twelve other non-profit legal services and public interest organizations, in the case entitled *Merscorp, Inc. v. Romaine*.

10. I am experienced in trial and appellate court litigation and have the following reported cases, among others:

Larsen v. JBC Legal Group, P.C., 588 F.Supp.2d 360 (E.D.N.Y. 2008)

Larsen v. JBC Legal Group, P.C., 533 F.Supp.2d 290 (E.D.N.Y. 2008)

Santoro v. Aargon Agency, Inc., 252 F.R.D. 675 (D.Nev. 2008)

Francis v. A & E Stores, Inc., 2008 WL 46129858 (S.D.N.Y. Oct. 16, 2008) (adopting report and recommendation, as modified), and 2008 WL 2588851 (S.D.N.Y. June 26, 2008) (report and recommendation)

Bowens v. Atlantic Maintenance Corp., 2008 WL 704319 (E.D.N.Y. March 14, 2008)

Simon v. Williams & Fudge, Inc., 2008 WL 268294 (S.D.N.Y. Jan. 28, 2008)

Ingram v. Coach USA, Inc., 2008 WL 281224 (D.N.J. Jan. 28, 2008)

Henry v. Westchester Foreign Autos, Inc., 522 F.Supp.2d 610 (S.D.N.Y. 2007)

Meselson v. Lerman, 485 F.Supp.2d 215 (E.D.N.Y. 2007)

Ayzelman v. Statewide Credit Services Corp., 242 F.R.D. 23 (E.D.N.Y. 2007)

Ayzelman v. Statewide Credit Services Corp., 2006 WL 3388651 (E.D.N.Y. Nov. 21, 2006)

Bourlas v. Davis Law Associates, 237 F.R.D. 345 (E.D.N.Y. 2006)

Trevino v. ACB American, Inc., 2006 WL 391797 (N.D.Cal. Feb. 17, 2006)

Trevino v. ACB American, Inc., 232 F.R.D. 612 (N.D.Cal. 2006)

Lawrence v. Borah, Goldstein, Altschuler, Schwartz & Nahins, P.C., 2005 WL 2875383 (S.D.N.Y. Nov. 1, 2005)

Naposki v. First Nat. Bank of Atlanta, 18 A.D.3d 834, 797 N.Y.S.2d 99 (2d Dept. 2005)

Burns v. First American Bank, 2005 WL 1126904 (N.D.Ill. April 28, 2005)

Weniger v. Arrow Financial Services, LLC, 2004 WL 2980646 (N.D.Ill. Dec. 21, 2004)

Weniger v. Arrow Financial Services, LLC, 2004 WL 2609192 (N.D.Ill. Nov. 17, 2004)

Jacobs v. ABN-Amro Bank N.V., 2004 WL 869557 (E.D.N.Y. April 21, 2004)

Bracken v. Harris & Zide, L.L.P., 219 F.R.D. 481 (N.D.Cal. 2004)

McDowall v. Leschack & Grodensky, P.C., 279 F.Supp.2d 197 (S.D.N.Y. 2003)

McDowall v. Cogan, 216 F.R.D. 46 (E.D.N.Y. 2003)

Miller v. Wolpoff & Abramson, LLP, 471 F.Supp.2d 243 (E.D.N.Y. 2007)

Miller v. Wolpoff & Abramson, LLP, 321 F.3d 292 (2d Cir. 2003)

Trang v. HSBC Mortgage Corp., NYLJ, April 17, 2002, p. 28, col. 3

Mailloux v. Arrow Financial Services, LLC, 204 F.R.D. 38 (E.D.N.Y. 2001)

Mailloux v. Arrow Financial Services, LLC, 2002 WL 246771
(E.D.N.Y. 2002)

11. I am also experienced in consumer fraud class action litigation and have participated in the following filed cases, among others:

Ayzelman v. Statewide Credit Services Corp., EDNY, Case No. 04-CV-3732 (statewide New York FDCPA settlement class certification of 624 members; settlement approved)

Beaubrun v. Eric Streich, P.C., EDNY, Case No. 06-CV-6598
(statewide New York FDCPA settlement class certification of 1,572 members; settlement approved)

Bourlas v. Davis Law Associates, EDNY, Case No. 05-CV-4548
(statewide New York FDCPA settlement class certification of 2,834 members; settlement approved)

Bracken v. Harris & Zide, L.L.P., N.D.Cal., Case No. C 02-5146
(statewide California FDCPA settlement class certification of 3,534 members; settlement approved)

Cinelli v. MCS Claim Services, Inc., EDNY, Case No. 04-CV-3809
(statewide New York FDCPA settlement class certification of 2,112 members; settlement approved)

DePrisco v. MCS Claim Services, Inc., EDNY, Case No. 03-CV-1642
(statewide New York FDCPA settlement class certification of 5,471 members; settlement approved)

Frank v. Sontag & Hyman, P.C., EDNY, Case No. 03-CV-6031
(statewide New York FDCPA settlement class certification of 4,809 members; settlement approved)

Jacobs v. Law Offices of Mitchell N. Kay, EDNY, Case No. 02-CV-1062
(nationwide FDCPA settlement class certification of 97 members; settlement approved)

Lawrence v. Borah, Goldstein, Altschuler, Schwartz & Nahins, P.C.,
SDNY, Case No. 04-CV-3066(JCF)(statewide New York FDCPA
settlement class certification of 7,150 members; settlement
approved)

Mailloux v. Arrow Financial Services, EDNY, Case No. 01-CV-2000
(statewide New York FDCPA class action certified through
motion, class of over 6,000 members; settlement approved)

McDowall v. Cogan, EDNY, Case No. 03-CV-419 (statewide New York
FDCPA settlement class certification of 593 members;
settlement approved)

Miller v. Berks Credit & Collections, Inc., EDNY, Case No. 02-CV-3633
(statewide New York FDCPA settlement class certification of
2,354 members; settlement approved)

Mitchell v. Surpas Resource Corporation, SDNY, 01-CV-7230-WP
(state-wide New York FDCPA settlement class certification of
over 6,000 members; settlement approved)

Napoleon v. Pugh, N.D.Cal., Case No. C 02-5149 (statewide California
FDCPA settlement class certification of 9,278 members;
settlement approved)

Richman v. Carol Wright Promotions, Inc., Supreme Court, Queens
County, Index No. 26824/02 (Nationwide consumer fraud
settlement class certification of approximately 5 million
members; settlement approved)

Santoro v. Aargon Agency, Inc., D.Nev., Case No. 07-cv-1003
(statewide Nevada FDCPA class certified through motion; class
of approximately 10,000 members)

Schwartz v. GE Capital Consumer Card Co., EDNY, Case No. 06-CV-
394 (nationwide TILA settlement class certification of 237,748
members; settlement approved)

Tinsley v. Kay, EDNY, Case No. 04-CV-2253 (statewide New York
FDCPA settlement class certification of 53,907 members;
settlement approved)

Trang v. HSBC Mortgage Corp., Supreme Court, Queens County,
Index No. 21810/01 (Violations of NYS General Business Law §
349 & Real Property Law § 274-a; statewide New York
settlement class certification of over 14,000 members;
settlement approved)

12. In addition, I was on the National Association of Consumer Advocates Class Action Guidelines Revision Committee. The Committee recently finished revising the 1997 NACA Guidelines for Litigating and Settling Consumer Class Actions, 176 F.R.D. 375 (1998). The revised Guidelines, Nat'l Ass'n of Consumer Advocates, *Standards and Guidelines for Litigating and Settling Consumer Class Actions* (rev. 2006), have been adopted and are available at <http://www.naca.net/assets/media/RevisedGuidelines.pdf>.

13. I also serve on the Consumer Affairs Committee of the Association of the Bar of the City of New York.

14. Moreover, I have spoken to the public about consumer-protection issues and lobbied Congress concerning consumer-protection issues, and spoken at a press conference in support of a bill that was recently introduced in Congress to provide consumers with more information and give them greater protection when they use credit cards.

15. I have also testified concerning debt-collection abuse before the New York City Department of Consumer Affairs and the New York State General Assembly Committee on Consumer Affairs and Protection.

16. Finally, I lectured at the National Consumer Law Center ("NCLC") Annual Litigation Conference in November 2006, the NCLC Class Action Symposium in November 2007, and at National Association of Consumer Advocates conferences in March 2007, September 2007, March 2008, May 2008, and February 2009. I have also spoken on consumer-law issues at the Association of the Bar of

the City of New York, the New York County Lawyers Association, and the Suffolk County Bar Association.

17. All attorneys and paralegals are instructed to maintain contemporaneous time records reflecting the time spent on this and other matters.

18. My rate in this case was \$350 an hour.

19. The total number of hours I spent on this litigation through today is approximately 88.1 hours, for a total of \$30,835.00.

20. My associate, Peter Lane, graduated Brooklyn Law School in 2008 and is admitted in the State of New York and the Commonwealth of Massachusetts.

21. Mr. Lane spent a total of approximately 31.6 hours on this litigation through today at \$175.00 an hour, for a total of \$5,530.00.

22. Kenneth Hammer, a law student who worked for me during the summer of 2006, spent 1.0 hours on this litigation at \$115 an hour, for a total of \$115.00.

23. Thus, my office spent a total of approximately \$36,480.00 in time on this case.

24. The time spent on this case by my co-counsel, Stacy Bardo, is set forth in her accompanying certification.

25. My office's disbursements in this case are \$477.12.

26. Under 28 U.S.C. § 1746, I, Brian L. Bromberg, do hereby certify under penalties of perjury, that the above statements are true and correct to the extent

they reflect my personal knowledge and otherwise are based upon my information and belief.

Dated: New York, New York
July 22, 2009

/s/ Brian L. Bromberg
Brian L. Bromberg

CERTIFICATE OF SERVICE

I, Brian Bromberg, an attorney, hereby certify that on July 22, 2009, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or the Eastern District's Rules on Electronic Service upon the following parties and participants:

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Dated: New York, New York
July 22, 2009

/s/ Brian L. Bromberg
Brian L. Bromberg

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